

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200000850

REGULATORY PROJECT MANAGER: Jonathan Smith **Date:** 9 Sept 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** Y **Date:** 24 Sep 2004
At the project site N **Date:** _____

PROJECT LOCATION INFORMATION:

State: WA
County: King
Center coordinates of site by latitude & longitudinal coordinates: 47 20 12.5 122 10 24
Approximate size of site/property (including uplands & in acres): 14.6
Name of waterway or watershed: Soos Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** **Or** **Approved** X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite) The Corps cannot take jurisdiction over the depicted wetland because it is isolated. Per the agent's observations, there is no surface water connection to waters of the U.S. There are no natural or man-made conveyance features present that provide hydrologic outfall from the wetland, and it appears that the hydrology from the wetland infiltrates at the southern (downslope) boundary of the wetland. The nearest surface water body is 1,200 feet away. USGS topographic maps and the topographic surveys of the applicant's project area show the area to be relatively flat. Consequently, it is unlikely that there is ever an overland surface water connection between the on-site wetland and the nearest jurisdictional waterbody. Agent has a history of making reliable field observations.